THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20567 of 2006

Dated:09.11.2006

Between
Khaja Moinuddin Quadri

.....Petitioner

and

1.The District Supply Officer
(City), Hyderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20567 of 2006

ORDER:

This writ petiton is filed seeking a Mandamus to declare the proceedings No.I20/2006, B1/3818/06, dated 29.08.2006 passed by the 1st respondent, as arbitrary and illegal.

It appears that the petitioner is the fair price shop dealer of Shop No.508, Circle No.5, Exhibition Grounds, Hyderabad. Under the impugned proceedings, his authorization has been suspended, on certain allegations, which read as under:

1) That the dealer is issuing Subsidy Rice @ Rs.5.50 per kg instead of Government fixed price 5-25 per kg.
2) That the dealer is issuing Anthyodaya Rice @ 3.50 per kg instead of Government fixed price 3-00 per kg.
3) That the dealer is issuing K.Oil @ Rs.10-00 per litre instead of Government fixed

price 9-50 per liters.

4) That the dealer is issuing (2) salt packets for Rs.10-00 instead of Rs.8-00

5) That the dealer is opening the F.P shop in the morning hours only and not maintaining the schedule timings.

6) That the dealer is using abusive and filthy language and misbehaving with the card holders especially women card holders.

While admitting the writ petition on 28-09-2006, this court granted interim suspension of the impugned proceedings and in view of the same, the petitioner is running the fair price shop.

Now, a vacate stay petition is filed by the respondents denying the allegations made in the writ petition stating that the allegations made against the petitioner are grave in nature, and therefore, suspending the authorization of petitioner was neither arbitrary nor illegal. No case is made out to interfere with the impugned proceedings under Article 226 of the Constitution of India.

I have perused the impugned proceedings

and other material made available on record.

A bare reading of the aforesaid allegations would indicate that they are general in nature, apart from being vague.

Prima facie, I am of the opinion that the allegations levelled against the petitioner are not only general in nature but also vague and trivial and hence, there is no necessity to suspend the authorization of the petitioner. Pending enquiry into the matter, the petitioner has already filed a statutory appeal against the impugned proceedings.

Therefore, I deem it appropriate to dispose of the writ petition, with a direction to the 2nd respondent to take up the appeal filed by the petitioner and dispose of the same, as per law. Till such time, the impugned proceedings shall not be given effect to. No costs.

Writ petition is disposed of accordingly. No costs.

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9-11-2006

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